

INTRODUCED: July 22, 2024

AN ORDINANCE No. 2024-204

To authorize the special use of the property known as 2701 Selden Street for the purpose a single-family detached dwelling, upon certain terms and conditions. (7th District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 9 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 2701 Selden Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-410.5, concerning yards, of the Code of the City of Richmond (2020), as amended, and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 9 2024 REJECTED: _____ STRICKEN: _____

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known

as 2701 Selden Street and identified as Tax Parcel No. E012-0319/001 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “As-Built, 2700 Selden Street, City of Richmond, Virginia,” prepared by Long Surveying, LLC, and dated February 12, 2024, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “As-Built, 2700 Selden Street, City of Richmond, Virginia,” prepared by Long Surveying, LLC, and dated February 12, 2024, hereinafter referred to as “the Plans,” a copy of which is attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a single-family detached dwelling, substantially as shown on the Plans.

(b) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance

of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 1,096 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2024-0440

File ID: Admin-2024-0440

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 05/08/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 07/22/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: ADMIN-2024-0440_2701 Selden Street Supporting Documents.pdf, Admin-2024-0440 AATF Ordinance

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	6/26/2024	Matthew Ebinger	Approve	6/28/2024
2	2	6/26/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	6/27/2024	Kevin Vonck	Approve	7/3/2024
2	4	6/27/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	6/27/2024	Sharon Ebert	Approve	7/1/2024
2	6	6/27/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	6/28/2024	Jeff Gray	Approve	7/1/2024
2	8	6/28/2024	Lincoln Saunders	Approve	7/2/2024
2	9	7/5/2024	Mayor Stoney	Approve	7/2/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-0440

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: June 26, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)
(This is no way reflects a recommendation on behalf of the Mayor)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 2701 Selden Street for the purpose of a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2701 Selden Street for the purpose a single-family detached dwelling, upon certain terms and conditions.

BACKGROUND: The subject property is located in the R-5 Single-Family Residential District. It consists of approximately .069 acres of land and is within the Creighton neighborhood. The new single-family dwelling constructed on the property is a permitted use. However, due to a builder error the structure encroaches slightly into the required front yard setback. Therefore, a special use permit is requested.

COMMUNITY ENGAGEMENT: The property is not located within a civic association. Letters of notification shall be sent to nearby property owners, and a sign noting this request shall be placed on the property once the ordinance is introduced to City Council.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: The City's Richmond 300 Master Plan designates the property for Neighborhood Mixed Uses. Primary uses include single-family dwellings, duplexes, and small multi-family dwelling units. Secondary uses are duplexes and small multi-family buildings.

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 22, 2024

CITY COUNCIL PUBLIC HEARING DATE: September 9, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: City Planning Commission September 3, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer, Law Department

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Application Supporting Documents

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308
David Watson, Senior Planner, Land Use Administration, 804-646-1036



Application for **SPECIAL USE PERMIT**
Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmond.gov/>

Application is hereby submitted for: (check one)

- ☒ special use permit, new
☐ special use permit, plan amendment
☐ special use permit, text only amendment

Project Name/Location

Property Address: 2701 SELDEN ST

Parcel I.D. #: E0126319001 Fee: 300

Total area of affected site in acres: 0.060

Date: 2-17-24

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-5

Richmond 300 Land Use Designation: _____

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Shows the building too close to the property line A Front Yard 25
Existing Use: is required. the survey shows 24.5

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Inab ARAMIN

Company: ARAMIN Real Estate LLC

Mailing Address: 2840 Braidwood Rd

City: Richmond

State: VA

Zip Code: 23225

Telephone: (804) 666-1615

Fax: ()

Email: Inab.ARAMIN@yahoo.com

Property Owner: ARAMIN Real Estate LLC

If Business Entity, name and title of authorized signee: [Signature]

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 2840 Braidwood Rd

City: Richmond VA

State: VA

Zip Code: 23225

Telephone: (804) 666-1615

Fax: ()

Email: Inab.ARAMIN@yahoo.com

Property Owner Signature: [Signature]

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Facsimile or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

Narrative for 2701 Selden

As shown on the attached as-built survey, the single-family dwelling encroaches into the required front yard setback of 25 feet. The approved site plan provided with the building permit called for a 25.33' front yard. However, due to an error siting the dwelling unit, a front yard of 24.5' was provided. The approval of a special use permit is required in order for this dwelling to receive a certificate of occupancy.

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- A circular seal with a scalloped border. The text "COMMONWEALTH OF VIRGINIA" is curved along the top inner edge. In the center, a signature is written over the name "BRIAN W. LONG". Below the name is "Lic. No. 002372". The date "2/12/24" is written to the right of the center. The text "LAND SURVEYOR" is curved along the bottom inner edge.



CITY OF RICHMOND
VIRGINIA
FEB. 12 2024
SCALE: 1"=20'



**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

LOCATION: 2701 Selden Street

APPLICANT: Aramin Real Estate LLC

COUNCIL DISTRICT: 7

PROPOSAL: To authorize the special use of the property known as 2701 Selden Street for the purpose a single family detached dwelling, upon certain terms and conditions.

*For questions, please contact David Watson
at 804-646-1036 or David.Watson@rva.gov*

